

Application No. 10/664,301
Docket No. 2002U023.US
Reply to Office Action Dated August 19, 2005

Remarks

Specification Amendments

Paragraphs [0007], [0008] [0017], [0028], [0030], [0032], and [0043], are amended to correct errors as pointed out by the examiner; in particular, to replace the term "ratio" with the term "rate"—where appropriate, and to insert units "dg/min"—in order to comply with the definition of "MFR" as in paragraph [0006], line 11 in the specification as originally filed. No new matter is believed to be added.

Section 112 Rejection

The specification was objected to as not being enabled due to the incorrect usage of the terms "melt flow rate" and "melt flow ratio". The errors in the specification were typographical in nature. As described above, these errors have been corrected. Given these admissions and corrections by the Applicant, the remarks made in the response dated July 8, 2005 (with respect to the definition of "MFR") in this regard were incorrect, and the Applicant withdraws those comments therewith.

Claims 1 and 2 were rejected under 35 U.S.C. 112, second paragraph as indefinite. These claims have been amended as suggested by the Examiner. In particular, Claim 1 is amended to make clear that "MFR" means the "melt flow rate", or I_{21} value as determined by the cited ASTM method using 21.6 kg at 190°C.

The Applicant thus requests that these rejections be withdrawn.

Section 103 Rejection

The rejection of Claims 1-19 under 35 U.S.C. 103(a) as being unpatentable over *Ewen et al.* (US 4,530,914) in view of *Reddy et al.* (US 5,648,428) and *Miya et al.* (US 4,931,417) was maintained. The Applicant traverses this rejection.

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In the rejection, the Examiner states that

It is the Examiner's position that it is Reddy's teaching of preparation of suspending the metallocene catalyst solid [p]articulates in mineral oil which is employed to Ewen's catalyst preparation process to provide a catalyst composition which is easy to handle with minimized exposure to the harmful environment.

It is the Applicant's position that, in spite of the teaching described above, *Reddy* does not teach combining two catalyst components, where a first component is activated by combining with an activator and a support, then a second catalyst is then combined with the first supported activated catalyst "in the substantial absence of additional activator." In fact, at column 2, lines 49-56, *Reddy* states that the "metallocene" and "Ziegler-Natta" catalysts that are generally the reaction products of their respective activating agents. Example 1 at column 5, lines 45-60 demonstrates this fact, where the ZN catalyst is first combined with TEAL, followed by combining this with a "metallocene/MAO-mineral oil suspension". This in fact teaches away from Applicant's claimed invention of having no added activator when combining the second catalyst with the first catalyst.

The Applicant can find no disclosure in *Ewen* of forming an "activated High MFR catalyst system", then combining this with another catalyst "in the substantial absence of additional activator".

The Examiner has not shown that all the elements of Applicant's claim 1 are disclosed in the art cited and thus a *prima facie* case of obviousness is not made. MPEP § 2142, 2100-128 (Rev. 2, May 2004) The Applicant's thus request that this rejection be withdrawn.

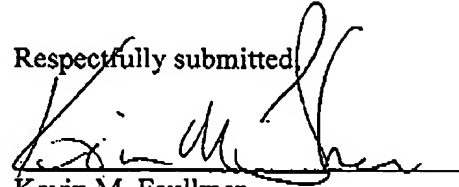
The Applicant invites the Examiner to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Examiner's satisfaction.

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The Commissioner is hereby authorized to charge any additional fees which may be required by this Amendment to deposit account number 50-0589.

October 6, 2005
Date

Respectfully submitted,



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